

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Office of Community Outreach and Media Relations

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July 25, 2016

File No.: 013.A13673.032

Sent via Electronic Mail

Mr. Dave Maass

MuckRock

DEPT MR 26499

411A Highland Avenue

Somerville, MA 02144-2516

26499-32449841@requests.muckrock.com

Re: California Public Records Act (CPRA) Request, dated June 29, 2016

Dear Mr. Maass:

The Department of California Highway Patrol (Department or CHP) has reviewed your request under the California Public Records Act (CPRA) (Gov. Code, § 6250 et seq.). On June 29, 2016, you submitted your request. On July 11, 2016, this office acknowledged your request, and extended its 10-day response time frame by an additional 14 days, as authorized by Government Code section 6253, subdivision (c). Please accept this written notice of the Department's records determination.

In your request, you asked for "the following records related to the Traditionalist Worker Party demonstration that occurred at the California State Capitol on June 26, 2016":

- "Permit application for the demonstration"
- "Granted permit for the demonstration"
- "Communication between CHP and permit applicants"
- "Communication between CHP and counter protesters"
- "Communications between CHP and Sacramento PD regarding the demonstration"
- "Communications between CHP and the Mayor Sacramento and Sacramento City Councilmembers regarding the demonstration"
- "Communications between CHP and members of the California legislature regarding the demonstration"
- "Calls for service, incident reports, and arrest reports related to the demonstration and property damage"
- "Documents indicating costs of providing security at event (such as overtime)"
- "All policies that governed response to the demonstration, such as policies for use of force, demonstrations at the capitol, and mass casualty response plans"

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- “Communications between CHP and the National Lawyers Guild regarding the demonstration”

The Department has determined that your request, in part, seeks copies of disclosable public records in the Department’s possession. The Department is withholding certain records, however, because they are exempt from public disclosure under the CPRA. The Department’s records determination is set forth in detail below.

Request Item (1). “Permit application for the demonstration”

The Department has identified a record that is responsive to this request item. However, the Department is withholding this record on the following legal basis:

- Government Code section 6254, subdivision (f)

Request Item (2). “Granted permit for the demonstration”

The Department has identified a record that is responsive to this request item. However, the Department is withholding this record on the following legal basis:

- Government Code section 6254, subdivision (f)

Request Item (3). “Communications between CHP and permit applicants”

The Department has identified records that are responsive to this request item. However, the Department is withholding these records on the following legal basis:

- Government Code section 6254, subdivision (f)

Request Item (4). “Communications between CHP and counter protesters”

Despite a diligent search and reasonable inquiry, the Department did not identify records that are responsive to this request item.

Request Item (5). “Communications between CHP and Sacramento PD regarding the demonstration”

The Department has identified records that are responsive to this request item. However, the Department is withholding these records on the following legal basis:

- Government Code section 6254, subdivision (f)

Request Item (6). “Communications between CHP and the Mayor of Sacramento and Sacramento City Councilmembers regarding the demonstration”

Despite a diligent search and reasonable inquiry, the Department did not identify records that are responsive to this request item.

Request Item (7). “Communications between CHP and members of the California legislature regarding the demonstration”

Despite a diligent search and reasonable inquiry, the Department did not identify records that are responsive to this request item.

Request Item (8). “Calls for service, incident reports, and arrest reports related to the demonstration and property damage”

The Department has identified Computer Aided Dispatch (CAD) logs that are responsive to your request for “calls for service.” The Department’s criminal investigation, however, is still ongoing. To avoid endangering the successful completion of this investigation, the Department is withholding all information from these logs at this time. The Department is withholding these records on the following legal basis:

- Government Code section 6254, subdivision (f)

As noted, the Department’s criminal investigation is still ongoing. Therefore, the Department does not currently possess records that are responsive to your request for “incident reports” and “arrest reports.”

Request Item (9). “Documents indicating costs of providing security at event (such as overtime)”

The Department has identified records that are responsive to this request item. The Department will disclose a one-page record entitled, “Cost Analysis.” This record lists the number of personnel assigned to the event and the hours expended by rank. However, the Department is withholding all CHP 415, Daily Field Records on the following legal bases:

- Government Code section 6254, subdivision (c)
- Government Code section 6254, subdivision (k), which incorporates Penal Code section 832.7
- Government Code section 6254, subdivision (k), which incorporates the individual’s right to privacy under the California Constitution (Cal. Const., art. I, § 1) and the Information Practices Act of 1977 (Civ. Code, § 1798 et seq.)

Request Item (10). “All policies that governed response to the demonstration, such as policies for use of force, demonstrations at the Capitol, and mass casualty response plans”

The Department has identified records that are responsive to this request item. The Department is withholding certain policy records, however, because they detail security procedures, operational guidelines, and tactical considerations. The Department is withholding these policy records on the following legal bases:

- Government Code section 6254, subdivision (f)
- Government Code section 6254, subdivision (k), which incorporates the privilege for official information (Evid. Code, § 1040)

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The Department will make redacted copies of the following policies available to you:

- i. Highway Patrol Manual (HPM) 50.5, Civil Disturbance Planning and Operations Manual, Chapter 1, Civil Disturbance.
- ii. HPM 50.5, Civil Disturbance Planning and Operations Manual, Chapter 2, Operational Guidelines, Paragraph 3, "Use of Force During Crowd Control Incidents," pg. 2-4.
- iii. HPM 50.5, Chapter 2, Annex A, "Crowd Management, Intervention, and Control Strategies," pg. 2-9.
- iv. HPM 70.6, Officer Safety Manual, Chapter 1, Use of Force.

Request Item (11). "Communications between CHP and the National Lawyers Guild regarding the demonstration"

Despite a diligent search and reasonable inquiry, the Department did not identify records that are responsive to this request item.

Attorney Suzanne R. Moser, in the Department's Office of Legal Affairs, is responsible for the legal determinations to withhold certain records from public disclosure.

Page Count and Duplication Fee

In response to your CPRA request, the Department has compiled **17** pages of disclosable records. To offset its duplication costs, the Department currently charges requesters a duplication fee of 30 cents per page of records. Therefore, if you wish to receive this set of records, please forward a check in the amount of **\$5.10** to the California Highway Patrol, Office of Community Outreach and Media Relations, P.O. Box 942898, Sacramento, CA 94298-0001 (Attention: Janelle F. Dunham). Please make the check payable to the "California Highway Patrol." Once the Department receives this payment, these records will be prepared and mailed to you on an expedited basis.

Sincerely,

F. CLADER
Director of Communications

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